

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

MINUTES

January 7, 2010

STEPHEN J. OATS
VICE-CHAIRMAN

BATON ROUGE, LOUISIANA

The following constitute minutes of the Commission Meeting
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Louisiana Department of Wildlife and Fisheries
2000 Quail Drive

Baton Rouge, Louisiana 70808.

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LOUISIANA WILDLIFE AND FISHERIES COMMISSION
BATON ROUGE, LOUISIANA
JANUARY 7, 2010

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MINUTES OF THE MEETING

OF

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

Thursday, January 7, 2010

Vice-Chairman Stephen J. Oats presiding.

Ronny Graham
Earl King, Jr.
Patrick Morrow
Stephen Sagrera
Ann Taylor
Mike Voisin

Secretary Robert Barham was also present.

Vice-Chairman Oats called for a motion for approval of the **December 3, 2009 Commission Minutes**. A motion for approval was made by Commissioner Sagrera and seconded by Commissioner Morrow. The motion passed with no opposition.

There were no **Commission Special Announcements/Personal Privilege** for this month.

To announce Employee Rewards and Recognition Recipients began with Mrs. Janice Lansing stating the Department was committed to recognizing employee achievements and accomplishments. The two recipients of the Secretary's Award were Ms. Wynnette Kees and Ms. Heather Fox. Employee of the Year Award winners were Ms. Sandra Schober, Sgt. Spencer Cole, Mr. Lance Campbell and Mr. Andre Lafosse. Winners of the Customer Service Award were Ms. Elizabeth Fisher, Ms. Susan Hyatt and Mr. Kenneth LeBlanc. There were 3 awards for Special Achievement by a Team. The Enforcement Team consisted of Lt. Mike Rocket, Sgt. Darren Bruce, and Senior Agents Josh Estis, David Harrell, Stan House and Joe Gouedy. The team rescued a man on October 10 when he became trapped after a tree fell on him on Russell Sage WMA. The Office of Wildlife Team for the Alligator Management Program consisted of Mr. Melvin Bertrand, Mr. Phillip Trosclair, Mr. Dwayne Lejeune, Mr. Russell Perry, Ms. Carolina Monteiro, Mr. Jon Wiebe, Ms. Leisa Nunez, Ms. Karen McCall, Ms. Ruth Elsey, Mr. Lance Campbell, Mr. Jeff Boundy, Ms. Kaleb Trahan, Mr. Nick Miller, Ms. Damian Bourque, Ms. Connie Dunn, Ms. Leslie

Campbell, Mr. Shane Granier, Ms. Sheila Roman and Ms. Gail Blanchard. This team carries out the daily functions of the entire alligator management program and is an outstanding accomplishment for the Department as often cited on an international level as a model wildlife management program. The Office of Fisheries Team award winners were Ms. Melissa Kaintz, Mr. Tim Ruth, Mr. Matt Duplessis and Mr. Jeff Thompson. This team responded to a tip that invasive fish (Tilapia and Rio Grande Cichlid) were found in Plaquemines Parish, developed a plan to eradicate them and restocked native fish into the waters. Vice-Chairman Oats congratulated all the award recipients.

Vice-Chairman Oats announced that the agenda item, **To receive and consider Declaration of Emergency relative to Feral Hog Season** was pulled from the agenda by unanimous consent of the Commission. He encouraged everyone to be aware of the special permit process in place now.

To receive and consider a Resolution and Declaration of Emergency for the 2010-2011 Commercial Reef Fish Seasons was the first of three items for Mr. Harry Blanchet. He stated that this was an action the Commission considers each year which provides the Secretary the authority to close commercial reef fish seasons if requested by the National Marine Fisheries Service. Commissioner Sagrera made a motion to approve the Resolution and Declaration of Emergency, seconded by Commissioner Voisin. Commissioner Morrow asked if this Resolution would give the Secretary the authority to follow the federal recommendations. Mr. Blanchet answered this Resolution was purely a commercial seasonal opportunity. Hearing no further questions, the motion passed with no opposition.

(The full text of the Resolution and Declaration of Emergency are made a part of the record.)

RESOLUTION
2010-11 REEF FISH COMMERCIAL SEASONS

Louisiana Wildlife and Fisheries Commission
January 7, 2010

WHEREAS, the reef fish complex is composed of several groups of species that inhabit marine waters off the coast of Louisiana, including red snapper, other species of snappers, groupers, amberjacks, triggerfishes, grunts, wrasses, sea basses,

tilefishes and porgies as listed in LAC 76:VII.335, and

WHEREAS, the reef fish fisheries are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, some species are managed with species-specific regulations, while others are managed as species groups, such as the shallow-water and deep-water groupers and tilefishes, and

WHEREAS, the fisheries for reef fish continue to remain open as of January 1 except for some species with seasonal or permanent closures, established in LAC 76:VII.335 and 76:VII.337, and

WHEREAS, additional changes have been established in Federal waters to modify some of these commercial seasons, and

WHEREAS, commercial quotas have been established for some of these species and groups, which have the potential to be filled during the course of the fishing year, and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and

WHEREAS, the NMFS and the Gulf Council regularly request the Department of Wildlife and Fisheries to implement consistent regulations in Louisiana state waters which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, in order to enact regulations in a timely manner, it is necessary that emergency rules be enacted, and

WHEREAS, R.S. 49:953(B) and R.S. 49:967 allow the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto, and

WHEREAS, R.S. 56:326.3 provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2010-11 seasons for commercial harvest of reef fish in Louisiana state waters as described in the attached Declaration of Emergency, and

BE IT FURTHER RESOLVED, that the Commission grants authority to

the

Secretary of the Department of Wildlife and Fisheries to close the season for the commercial harvest of any species or group of species of fishes listed in LAC 76:VII.335, and to re-open and re-close these seasons in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the same season has been modified in the federal waters of the Gulf of Mexico, and that the Regional Administrator of NMFS requests that the season be modified in Louisiana state waters, and

BE IT FURTHER RESOLVED, that all applicable rules regarding reef fish harvest, including possession limits, permit requirements and size limits established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of

Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the

2010-11 commercial reef fish seasons in Louisiana state waters is attached to and made part of this resolution.

Stephen J. Oats, Vice-Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2010-11 Reef Fish Commercial Seasons

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the

Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The commercial fishing seasons for reef fish as listed in LAC 76:VII.335, Reef Fish - Harvest Regulations continue to remain open as of January 1 of each year unless otherwise provided for in LAC 76:VII.335 and LAC 76:VII.337, or as a result of actions by the Secretary as authorized below. These commercial fishing seasons include closed seasons for some species and species groups as listed in LAC 76:VII.335 and in LAC 76:VII.337, including prohibition on harvest of goliath and Nassau groupers.

In addition, the Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the commercial harvest of any species or group of species of the fishes listed in LAC 76:VII.335, Reef Fish - Harvest Regulations, in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable commercial quota has been harvested in the Gulf of Mexico, and if he is requested by the Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the commercial seasons described here in Louisiana state waters if he is informed by NMFS that the season dates for the commercial harvest of these fish species in the Federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters. Such authority shall extend through January 31, 2011.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell the affected species of fish, whether taken from within or without Louisiana territorial waters. Also effective with these closures, no person shall possess the affected species of fish in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5

and R.S. 56:306.6.

Stephen J. Oats
Vice-Chairman

Next, Mr. Harry Blanchet presented the item, **To receive and consider a Resolution and Declaration of Emergency for the 2010 Recreational Reef Fish Seasons.** Mr. Blanchet stated this was a parallel Resolution for the recreational reef fish seasons. Typically the season that closed was red snapper, but last year the greater amberjack season closed. The Secretary would have the authority to close either season if the season was closed in federal waters and the Secretary was requested to do so by the National Marine Fisheries Service. Hearing no questions, Commissioner Voisin made a motion to adopt the Resolution and Declaration of Emergency and it was seconded by Commissioner Sagrera. The motion passed with no opposition.

(The full text of the Resolution
and Declaration of Emergency are
made a part of the record.)

RESOLUTION
DECLARATION OF EMERGENCY TO SET
2010 RECREATIONAL REEF FISH SEASONS

Louisiana Wildlife and Fisheries Commission
January 7, 2010

WHEREAS, the reef fish resources in the Gulf of Mexico off the coast of Louisiana are cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with the advice of the Gulf of Mexico Fisheries Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable for waters of the Exclusive Economic Zone (EEZ) of the U.S., generally three miles offshore, and for federally permitted reef fish harvesters, and

WHEREAS, regulations promulgated by the Louisiana Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, have provided rules for the harvesting of reef fish in Louisiana's state waters, and

WHEREAS, NMFS is constrained by statute and court ruling to limit both recreational and commercial take of red snapper in

the Gulf of Mexico, and

WHEREAS, on January 29 2008, NMFS published final rules for Amendment 27 / 14 to the Reef Fish and Shrimp Management Plans, which included a reduced total allowable catch of red snapper in the Gulf of Mexico with reduced recreational and commercial quotas, and with a recreational season of June 1 through September 30 of each year, with a bag limit of 2 fish per person, other than for captain and crew of a vessel under charter, who had a bag limit of zero, intended to constrain the recreational fishery within its quota, and

WHEREAS, the initial estimates of harvest within the season and bag limit framework were developed under the assumption that the adjoining states would enact compatible regulations, and

WHEREAS, the recreational harvest during 2008 was higher than expected due to increased average size of red snapper, as well as failure of some states to enact compatible regulations, and

WHEREAS, similar over-runs of the recreational quota also occurred in 2009, in spite of increased regulations within the state waters of Florida and Alabama, due to further increases in average size of red snapper and re-direction of effort into the open season, and

WHEREAS, during 2009 the recreational season for the harvest of greater amberjack was closed in federal waters for the first time as recreational harvest was projected to meet or exceed the recreational quota for that species, and

WHEREAS, the Gulf of Mexico Reef Fish Management Plan requires that over-runs in the recreational or commercial harvest of amberjack in one year be accounted for by reducing the appropriate quota for that fishery in the following year, and

WHEREAS, regulations in the federal waters off of Louisiana require that there be no possession or harvest of a species during the closed season for that species, and

WHEREAS, adoption of compatible regulations for Louisiana state waters where feasible enhances effectiveness and enforceability of the regulations already in place for reef fishes harvested in the EEZ off of Louisiana, and

WHEREAS, unforeseen circumstances may occur which may lead to modification of the recreational seasons, or other measures to

restrain the fisheries within the recreational quota, requiring a modification in regulations, and

WHEREAS, fisheries for reef fishes also occur in Louisiana state waters that are significant to the citizens of the State of Louisiana and thus enactment of compatible regulations may also impact those persons involved in those fisheries, and

WHEREAS, R.S. 56:320.2(C) provides that all vessels fishing in the federal exclusive economic zone (EEZ) shall comply with all applicable federal laws and regulations, and

WHEREAS, R.S. 56:6(25)(a), 56:320.2(C), 56:326.1, and 56:326.3 provide authority for adoption of this rule through the Wildlife and Fisheries Commission,

THEREFORE BE IT RESOLVED, that the Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the closing dates for the recreational harvest of red snapper and greater amberjack in Louisiana state waters if he is informed by the National Marine Fisheries Service (NMFS) that the appropriate recreational quota for the Gulf of Mexico has been harvested or is projected to be harvested, with such closure order to close the season until the date set for the re-opening of that recreational season in Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also authorizes the

Secretary to open additional recreational seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the appropriate recreational quota for the Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the

recreational harvest of reef fish including trip and size limits established by the Commission shall be in effect during the open seasons hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of
Emergency

establishing the 2010 recreational red snapper and
greater amberjack seasons in Louisiana state waters is
attached to and made part of this resolution.

Stephen J. Oats, Vice-Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The reef fish fishery in the Gulf of Mexico is cooperatively managed by the Louisiana Department of Wildlife and Fisheries (LDWF), the Wildlife and Fisheries Commission (LWFC) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council). Regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U.S., which in Louisiana is generally three miles offshore. Rules were promulgated by NMFS to enact provisions of the red snapper rebuilding plan (Reef Fish Amendment 27 / Shrimp Amendment 14). These rules included establishing a recreational season of June 1 through September 30 of each year. A compatible season was established for Louisiana waters by the Wildlife and Fisheries Commission at their March 6, 2008 meeting. NMFS typically requests consistent regulations in order to enhance the effectiveness and enforceability of regulations for EEZ waters.

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Department of Wildlife and Fisheries and the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons, and R.S. 56:326.3 which provides that the Wildlife and Fisheries Commission may set seasons for saltwater finfish, the Wildlife and Fisheries Commission hereby declares:

The Secretary of the Department of Wildlife and Fisheries is hereby authorized to close the season for the recreational harvest of red snapper or greater amberjack in Louisiana state waters if he is informed by the Regional Administrator of NMFS that the applicable recreational quota has been harvested in the Gulf of Mexico and the recreational season closed in Federal waters of the Gulf of Mexico, and if he is requested by the

Regional Administrator of NMFS that the State of Louisiana enact compatible regulations in Louisiana state waters.

The Commission also hereby grants authority to the Secretary of the Department of Wildlife and Fisheries to modify the recreational season currently established in Louisiana state waters if he is informed by NMFS that the season dates for the recreational harvest of red snapper or greater amberjack in the Federal waters of the Gulf of Mexico as set out herein have been modified, and that NMFS requests that the season be modified in Louisiana state waters. Such authority shall extend through January 31, 2011.

Stephen J. Oats
Vice-Chairman

The last item for Mr. Harry Blanchet was **To receive and consider a Resolution and Declaration of Emergency for the 2010-2011 Commercial King Mackerel Season.** This action will also give the Secretary authority to close the commercial king mackerel season when the quota was achieved in the western Gulf of Mexico and he was requested to do so by the National Marine Fisheries Service. This authority was provided to the Secretary for the past several years. Hearing no discussion, Commissioner King made a motion to adopt the Resolution and Declaration of Emergency, seconded by Commissioner Graham and unanimously approved.

(The full text of the Resolution
and Declaration of Emergency are
made a part of the record.)

RESOLUTION

2010-11 COMMERCIAL KING MACKEREL SEASON

January 7, 2010

WHEREAS, the king mackerel fishery in the Gulf of Mexico off the coast of Louisiana is cooperatively managed by the Louisiana Wildlife and Fisheries Commission, the Department of Wildlife and Fisheries (LDWF) and the National Marine Fisheries Service (NMFS) with advice from the Gulf of Mexico Fishery Management Council (Gulf Council), and

WHEREAS, regulations promulgated by NMFS are applicable in waters of the Exclusive Economic Zone (EEZ) of the U. S., which in Louisiana is generally three miles offshore, and

WHEREAS, NMFS requests consistent regulations in Louisiana state waters, which are preferable as they assist in enforcement of fishery rules, and

WHEREAS, the 2010-11 commercial king mackerel season in EEZ waters is scheduled to open on July 1, 2010, and

WHEREAS, R.S. 49:953(B) allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons by emergency rule and R.S. 49:967 allows the Wildlife and Fisheries Commission to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and

WHEREAS, R.S. 56:6(25)(a) and R.S. 56:326.3 provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby establishes the 2010-11 season for commercial harvest of king mackerel in Louisiana state waters, and

BE IT FURTHER RESOLVED, that the Commission grants authority to the

Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2011, which is the date expected to be set for the re-opening of the commercial king mackerel season in Federal waters, and

BE IT FURTHER RESOLVED, that the Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled, and

BE IT FURTHER RESOLVED, that all applicable rules regarding the

commercial king mackerel harvest including trip and

size limits established by the Commission shall be in effect during the open season hereby established, and

BE IT FURTHER RESOLVED, that the Secretary of the Department of

Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Declaration of Emergency, and

BE IT FURTHER RESOLVED, that a Declaration of Emergency setting the

2010-11 commercial king mackerel season in Louisiana state waters is attached to and made part of this resolution.

Stephen J. Oats, Vice-Chairman
Wildlife and Fisheries Commission

DECLARATION OF EMERGENCY

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

2010-11 Commercial King Mackerel Season

In accordance with the emergency provisions of R.S. 49:953(B), the Administrative Procedure Act, R.S. 49:967 which allows the Wildlife and Fisheries Commission to use emergency procedures to set finfish seasons and all rules and regulations pursuant thereto by emergency rule, and R.S. 56:6(25)(a) and 56:326.3 which provide that the Wildlife and Fisheries Commission may set seasons for saltwater finfish; the Wildlife and Fisheries Commission hereby sets the following season for the commercial harvest of king mackerel in Louisiana state waters:

The commercial season for king mackerel in Louisiana state waters will open at 12:01 a.m., July 1, 2010 and remain open until the allotted portion of the commercial king mackerel quota for the western Gulf of Mexico has been harvested or projected to be harvested.

The Commission grants authority to the Secretary of the Department of Wildlife and Fisheries to close the commercial king mackerel season in Louisiana state waters when he is

informed by the National Marine Fisheries Service (NMFS) that the commercial king mackerel quota for the western Gulf of Mexico has been harvested or is projected to be harvested, such closure order shall close the season until 12:01 a.m., July 1, 2011, which is the date expected to be set for the re-opening of the 2011-12 commercial king mackerel season in Federal waters.

The Commission also authorizes the Secretary to open additional commercial king mackerel seasons in Louisiana state waters if he is informed that NMFS has opened such additional seasons and to close such seasons when he is informed that the commercial king mackerel quota for the western Gulf of Mexico has been filled, or is projected to be filled.

Effective with seasonal closures under this Emergency Rule, no person shall commercially harvest, possess, purchase, exchange, barter, trade, sell, or attempt to purchase, exchange, barter, trade, or sell king mackerel, whether taken from within or without Louisiana territorial waters. Also effective with this closure, no person shall possess king mackerel in excess of a daily bag limit, which may only be in possession during the open recreational season by legally licensed recreational fishermen. Nothing shall prohibit the possession or sale of fish by a commercial dealer if legally taken prior to the closure providing that all commercial dealers possessing such fish taken legally prior to the closure shall maintain appropriate records in accordance with R.S. 56:306.5 and R.S. 56:306.6.

Stephen J. Oats
Vice-Chairman

To receive and hear Enforcement & Aviation Reports/December began with Lt. Col. Keith LaCaze stating a total of 1,609 citations and 248 written warnings were issued and agents helped with 50 public assists. December was a tremendously active month with hunting seasons. There were 7 boating accidents reported with 3 fatalities for the month. The fatalities occurred in Cameron, St. Martin and Morehouse Parishes. The Aviation Report showed the three planes flew a total of 96.6 hours during December. News Releases discussed included 2 poachers landed in jail for night hunting for deer around Camp Beauregard WMA; Lafourche Parish men cited for taking over the limit of deer during high water times in the area; an undercover operation culminated in the arrest of 2 people for illegal sale of wildlife, fish and reptiles without the proper licenses; illegal deer hunting activities in Natchitoches Parish; and

night hunting activity in Houma. With the recent opening of Lake Borgne for oysters, 15 people were cited for oyster violations. Lt. Col. LaCaze then mentioned there were high water season closures in a portion of Deer Area 6; 5 hunting accidents which occurred in Union, DeSoto, Beauregard and Iberville Parishes; 4 bears were killed on wildlife management areas during the month; and there were 291 deer tagging and night hunting violations. Kisatchie National Forest held their 7 day deer-dog season and the Region Captain felt the season was no worse and no better than in year's past with 49 citations being issued. Lastly, Lt. Col. LaCaze noted that 2 agents were engaged in activity in which 2 individuals were charged with attempted murder of an officer.

To receive and hear Presentation from J. F. "Sonny" Eirich began with Mr. Eirich stating he was one of the main developers of Cypress Cove Marina in Venice, owner of a boat dealership in Slidell and Venice and in the insurance business. He felt the recreational boating industry and marina businesses are in serious trouble and getting worse. Since 2002, Louisiana has been losing boat registrations quicker than any other state. He then listed several major boat companies that have closed or were in bankruptcy. The latter part of the year 2010 was predicted to be better for the industry. Mr. Eirich stated he was giving all of these statistics since the Department was the biggest potential customer that the recreational boating industry and marinas have. He added that the Department was buying motors from a company in Florida and the bid structure used by the Department was outdated. The repairs and maintenance needed on motors and boats needed to be done by qualified individuals. Another problem with doing work on Department equipment was the slow processing for being paid.

Senator A. G. Crowe, Senate District 1, stated he wanted to support Mr. Eirich's message on purchasing and procurement. One of the first laws he passed as a State Representative was a preference policy that would allow any public entity to shop local or within Louisiana. The principle to the law was to "Buy Louisiana". The Senator asked that the Department consider buying local even if it was above the 10 percent.

Continuing on, Mr. Eirich noted he sent a letter to U.S. Senator Landrieu stating that it was almost impossible for boat dealers to get financing on a floor plan. Even though the Commission cannot do anything about this problem, Mr. Eirich knew it would affect new sales in the area. Vice-Chairman Oats mentioned to Mr. Eirich that he would ask the staff for feedback on the

purchasing. Then Mr. Eirich stated that his firm has applied for grants through the Department many times. The way grants are set up is you fund the project first and then be reimbursed. Recently he met with Mr. Paul Rainwater and someone with LRA on issues for marinas and grants after Hurricane Katrina. NOAA forwarded money to states after the hurricane to distribute to marinas that were damaged. The criteria used to award the money was for those facilities that collected data that helps the state which had nothing to do with damages from Hurricane Katrina. The state checked Mr. Eirich's marina and they did not qualify for the money since he had very little business and there was a free back down ramp just down the road from him. He noted he could not understand why they did not receive any funding since they have more facilities than some businesses that received funding. He questioned the use of the grant money that was intended to be for facilities damaged by Hurricane Katrina. Commissioner Morrow stated the Commission was attuned to the needs of the recreational fishermen and wanted to be assured they are able to take advantage of all of the resources and facilities. He then noted that all State Department's should buy Louisiana and abide by the 10 percent rule. In regards to the grant, the Commission could not change the criteria, stated Commissioner Morrow. He added that any facilities that caters to recreational and commercial fishermen should be entitled to any monies to help them get back in operation and whatever needed to be done should be done. He urged the Department to assist home grown businesses to make sure they are around in the future. Commissioner King asked if he had the opportunity and was on the list to bid on Department purchases and Mr. Eirich stated he has to ask for the bids.

Representative Greg Cromer explained to Commissioner Morrow that Mr. Eirich's marina handles more than just recreational fishermen, there are lots of boaters that live on the water that do not fish. If the criteria for the grant was federal, then he needed to be told that so he can understand why he was not eligible. Mr. Joey Shepard with the Research and Assessment Division stated they were in charge of the program for marinas. The money was appropriated by Congress and the language was to give it to the recreational fishery. The Department decided how to give it out. However, one of the problems after Hurricanes Katrina and Rita was fishing access. In order to promote fishing access, the Department decided to look at recreational sites and try to get them back up as quickly as possible. It had nothing to do with disaster relief, just trying to get the fishermen back in the water. This plan was presented and approved by the federal government. The plan is that the

facility has to be private, available to the public and saltwater fishermen must operate out of the location. A list of sites was developed from the last 30 years telling staff how many fishermen fish from each location. With several locations not on the site register such as Mr. Eirich's, staff went to the facility from July through the beginning of October and found only 1 trailer during that time that belong to the Coast Guard. Mr. Shepard stated that Mr. Eirich's facility did not fit into the criteria and his was not the only one. Mr. Eirich commented that the bulk of the people from Slidell keep their boats in their backyards since they live on the water. Agents check these fishermen at night as they are fishing from their docks. Vice-Chairman Oats asked if any consideration was given to facilities that have a public ramp immediately close to a private facility. Mr. Shepard stated that could occur anywhere; a set of criteria was established and some locations did not get any funding. Senator Crowe felt it was a question of flawed or overlooking as a result of the criteria established. He noted that Mr. Eirich was left out and did not feel he should have been. Senator Crowe felt there may be other months that the traffic was different at Mr. Eirich's location. He suggested staff set up another time that over a period of months would analyze the traffic. Vice-Chairman Oats asked for a report on how the criteria could be changed or if the time has passed. Mr. Shepard did state that the time has passed for this program. Mr. Eirich appreciated Senator Crowe's suggestion, but stated they would not have that much business. He added that the analysis should be done at the public boat ramp and from the back of people's houses.

To receive and hear General Announcement on Upcoming Proposed Hunting Seasons and General and WMA Rules and Regulations was handled by Mr. Kenny Ribbeck. Hunting season proposals would basically be calendar adjustments. On the General and WMA Regulations, several matters would be presented. Changes to be addressed included Physically Challenged Hunter Permits to include those that are designated legally blind; DMAP rules for an early buck only season for archers in deer Area 6; and amend Hunter Education requirements for youth hunts. Changes on the WMAs included modifications of firearm restrictions to be consistent with state and federal law; establishing no motorized boat zones in certain WMAs; establishing no wake zones on certain coastal WMAs; establishing a fall turkey season on Peason Ridge WMA; increasing deer and hog hunting opportunities on several WMAs; reinstating mandatory deer check on certain WMAs; and reinstating the requirement for non-toxic shot for snipe hunting on WMAs. Then Mr. Ribbeck noted the Notices of

Intent would be presented at the next meeting.

Mr. Donald Carpenter stated his comments addressed the regulation on coastal WMAs which did not allow guided hunts. The restriction began in the 1990's and dealt mostly with the Pass-a-Loutre WMA when a casino brought a house boat and ran guided duck hunts on the area. A group did not agree with this activity, and so a rule was established to not allow any guided hunts from all WMAs. Mr. Carpenter asked for an open discussion to revisit this limitation. One of the main goals for the WMAs was to increase access and opportunity. With the short duck season, there are a limited number of individuals with the time, effort and money that hunts the WMAs. Mr. Carpenter felt this would help the charter fishermen economically and provide the opportunity for a guided hunt. He knew there were several other individuals that are interested in guided hunts that could not make the meeting.

The next agenda item, **To receive and hear Woodcock Harvest Strategy Development Update** was presented by Mr. Mike Olinde. He stated he would provide a background on the regulatory process that was being considered on the woodcock which was a species he has worked with throughout his career. Woodcock have very large eyes, are active during the day and at night, and their eyes are set on the side of their heads which results in their brains being upside down. Since records have been kept since the mid-1970's, there have been more woodcock hunters than quail hunters at times. The bird was basically in the eastern United States and is a migratory bird. Since it is a migratory bird, the frameworks and regulations for hunting the bird are within the guidelines that the U.S. Fish and Wildlife Service develop. Woodcock breeding occurs throughout the range. With the cold spell, there may be birds to migrate down through Texas to some extent. Louisiana was thought to be "the" place for woodcocks for the entire nation, but recent analysis has proved that they are more widespread. The habitat for a woodcock are thickets and they could eat their weight each day in earthworms. Mr. Olinde then noted they were looking at establishing the basis for making regulatory changes. There has been a long term decline (about 35%) on woodcock counts over the past 4 decades. In 1997, a change occurred in the season which was 65 day season and 5 bird bag limit to 45 days and 3 bird bag. The population has been stable since 1994, which was before the regulation change was made. Mr. Olinde stated he was on a Committee that would bring forth a recommendation to the Mississippi Flyway's Technical Committee. The Committee had a described strategy with cut points. The accomplishments for the Committee were to

not hurt the woodcock resource and they wanted the state and public to know what to expect if a change was coming. The proposal maintained reasonable hunting opportunities, minimized the chances for regulatory changes, was very simple and easy to understand and provided realistic potential of moving to a liberal season. The meeting will be held in February and Mr. Olinde felt the Technical Committee was behind this recommendation. Vice-Chairman Oats asked if this was just a matrix for the liberal season. Mr. Olinde answered yes, they were comfortable with using cut points.

To receive and hear Field Office Consolidation and Development Plans began with Mr. Kenny Ribbeck stating that Mr. Olinde did not mention that this was a tremendous woodcock year. The staff, in preparing long term plans, looked at the old aging office facilities. The Wildlife, Inland Fisheries and Enforcement Divisions man the major field offices across the state. The new Minden office facility, which was recently completed, will be used as a prototype for other locations throughout the state. Effective January 1, 2010, the first consolidation took place when the Ferriday Office was closed. The Ferriday Office was in the process of being boarded up and could possibly be surplused. The Wildlife Division staff has been reassigned to the Monroe or Pineville Offices. In reorganizing the Wildlife Division, staff was reorganized based on the ecoregion concept. The Region 7 Wildlife staff housed in Baton Rouge were moved to a new Hammond facility which was currently under lease. To compensate for the Ferriday office, Mr. Ribbeck then showed a plan for a proposed Central Louisiana Office and Outdoor Education/Training/Readiness Facility. The facility will be at the current Woodworth Education Facility. The Enforcement Division will also use the new facility as a staging area to get ready to disburse following a hurricane if need be. A proposal has been developed for a Capitol Outlay project to be presented to the Legislature this year to fund this new facility as well as a new Lake Charles facility.

To receive and consider a Resolution and Notice of Intent to Amend Rules for the Recreational Harvest of Silver and Bighead Carp began with Mr. Gary Tilyou noted he thought he would never have been before the Commission presenting this proposal nor did he think these fish tasted very well. The Department has joined with Chef Philippe Parola to try to promote the carp. This fish is an exotic fish from China that jumps out of the water and Mr. Tilyou added they do not want it in the waters. This fish is in Louisiana and very numerous in the Atchafalaya Basin. In the last 6 years, about 250,000 pounds of carp have been sold, but

there was just not much of a market. The proposal was to promote the carp commercially with the Chef and Mr. Tilyou was trying to promote it recreationally. Some of the obstacles to overcome was the name and that the fish has bones in it. A group of people from northern states has devised a method of cleaning and deboning the fish with a knife while the Chef has developed a method of deboning by steaming. An upcoming event was a promotion trying to get the media, food processors, restaurants and grocers to look at the fish. From the recreational standpoint, the carp do not eat other fish, they are filter feeders. The Notice of Intent was to allow fishermen to keep bighead and silver carp if they jump in the boat, by snagging, dip nets and spears. Commissioner Voisin asked how large of a resource was there and Mr. Tilyou was not sure since there has not been a market. He knew about 250,000 pounds have been sold and fishermen avoid them since there was no market. Mr. Tilyou felt there was probably 5 or 6 times more than what was being reported now. Commissioner Voisin then asked what was the range for this fish and he was told it was from the Great Lakes to the Gulf of Mexico and statewide in Louisiana. Hearing no further questions, Commissioner Voisin made a motion to approve the Resolution and Notice of Intent. Commissioner King seconded the motion and it passed with no opposition.

(The full text of the Resolution and Notice of Intent are made a part of the record.)

RESOLUTION

TAKING OF EXOTIC FISH

Louisiana Wildlife and Fisheries Commission
January 7, 2010

WHEREAS, nonindigenous species of fish have become numerous in many Louisiana waterbodies, and

WHEREAS, exotic species of fish often out-compete native species and in some instances replace them, and

WHEREAS, the Department and the Commission would like to maximize the removal of certain exotic fish in Louisiana waters, and

WHEREAS, the Commission has previously designated the bighead, and silver carp as exotic fish, and

WHEREAS, the silver and bighead carp are filter feeders and are not susceptible to most traditional forms of angling, and

WHEREAS, the Commission has the authority to promulgate rules under the provisions of the Administrative Procedure Act to authorize the taking of exotic fish from public waters in the state under specified licenses and by specified gear,

THEREFORE BE IT RESOLVED, that the Wildlife and Fisheries Commission hereby promulgates a Notice of Intent, attached to and made a part hereof, to adopt a rule to allow harvesting of certain exotic fish under specified recreational licenses by specified gears, and

BE IT FURTHER RESOLVED, the Secretary of the Department of Wildlife

and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the Final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statement, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

Stephen J. Oats, Vice-Chairman
Wildlife and Fisheries Commission

NOTICE OF INTENT

Department of Wildlife and Fisheries
Wildlife and Fisheries Commission

The Wildlife and Fisheries Commission does hereby give notice of its intent to amend a Rule to allow recreational fishers to harvest specified exotic fish with specific gears.

Title 76

WILDLIFE AND FISHERIES

Part VII. Fish and Other Aquatic Life

Chapter 1. Freshwater Sports and Commercial Fishing

§199. Designation and Taking of Exotic Fish

A. For the purposes of this section, the following species of nonindigenous fish are designated as exotic fish:

1. grass carp (*Ctenopharyngodon idella*)
2. silver carp (*Hypophthalmichthys molitrix*)
3. bighead carp (*Hypophthalmichthys nobilis*)
4. black carp (*Mylopharyngodon piceus*)

B. In order to promote the removal of the exotic species identified in this rule, it shall be lawful to retain as bycatch all such designated exotic species of fish which may be caught in all legal commercial fishing gear, which gear is being legally fished. While alive, such exotic fish shall not be maintained, sold, bartered, traded, or exchanged.

C. Recreational fishers, both residents and non-residents, possessing a current license allowing for the take of freshwater species of fish, and anglers exempted from the purchase of a basic fishing license, may take silver and bighead carp (*Hypophthalmichthys molitrix* and *H. nobilis*) by means of boats, dip nets, spears and by snagging.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:319.2.

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 31:728 (March 2005), LR 36: .

The Secretary of the Department of Wildlife and Fisheries is authorized to take any and all necessary steps on behalf of the Commission to promulgate and effectuate this Notice of Intent and the Final Rule, including but not limited to, the filing of the Fiscal and Economic Impact Statements, the filing of the Notice of Intent and final Rule and the preparation of reports and correspondence to other agencies of government.

In accordance with Act #1183 of 1999, the Department of Wildlife and Fisheries/Wildlife and Fisheries Commission hereby issues its Family Impact Statement in connection with the preceding Notice of Intent: This Notice of Intent will have no impact on the six criteria set out at R.S. 49:972(B).

Interested persons may submit written comments of the Notice of Intent to Gary Tilyou, Administrator, Inland Fisheries Division, Department of Wildlife and Fisheries, Box 98000, Baton Rouge, LA 70898-9000 no later than 4:30 p.m., Thursday, March 4, 2010.

Stephen J. Oats
Vice-Chairman

Election of Chairman and Vice-Chairman began with Commissioner Morrow nominating Commissioner Oats for Chairman for the upcoming year. Hearing no further nominations, Commissioner Oats was elected Chairman by acclimation. For Vice-Chairman, Commissioner King nominated Commissioner Sagrera. Hearing no further nominations, Commissioner Sagrera was elected Vice-Chairman by acclimation.

The Commissioners agreed to hold the **May 2010 Meeting** on Thursday, May 6, 2010, beginning at 9:30 a.m. at the Baton Rouge Headquarters.

Vice-Chairman Oats welcomed the newest Commissioner Mike Voisin.

Next agenda item was to receive **Public Comments**. Mr. Ronald Coco, Avoyelles Wildlife Federation, stated there would be a meeting on February 16 on feral hogs in Avoyelles Parish. He then commented that one of his neighbors has beehives where he raises bees. Five of his lots were hit by bears and almost totally destroyed. This individual ships bees all over the country. Mr. Coco knew that the black bear was an endangered species, but wondered about the bee. In order to fulfill the contracts he has, Mr. Coco mentioned his neighbor would have to buy bees from other people. He wondered if there was a program that could help his neighbor recoup some of the money he has lost due to the black bear. Mr. Ribbeck advised that Ms. Maria Davidson would make a presentation on the bear population status. Commissioner Sagrera asked Ms. Davidson if an electric fence was effective against the bear to protect the beehives. Ms. Davidson answered yes it was very effective in keeping bears out. But the Department does not have a fence program in place since it would be a compensation program. Ms. Davidson added that the USDA Animal Control offers electric fencing and some was brought to the bee keeper. Mr. Coco stated his neighbor was moving his hives, but the bears were moving and showing up in a number of different places.

Vice-Chairman Oats then noted a letter was received from Mr. Don

Briggs, Chairman of the Special Advisory Committee on Lifting the Oyster Lease Moratorium reporting they were finalizing their recommendations and then would present them to the Commission in the future.

There being no further business, Vice-Chairman Oats announced the meeting was **Adjourned.**

Robert J. Barham
Secretary

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